

6 August 2024

**Complaint reference:**  
23 016 651

**Complaint against:**  
Broxtowe Borough Council

## **The Ombudsman's final decision**

Summary: Mrs X complains the Council has not dealt with her Council Tax properly. The Council did not take account of her vulnerability. Mrs X suffered avoidable distress. The Council has agreed to apologise to Mrs X and pay her £200.

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## **The complaint**

1. The complainant, whom I shall refer to as Mrs X, complains the Council has not dealt with her Council Tax properly because it has not taken account of her known vulnerability, has not managed her Council Tax charges and Council Tax Support properly and has not dealt with her complaint about this.
2. Mrs X says she has suffered avoidable distress.

## **The Ombudsman's role and powers**

3. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (Local Government Act 1974, sections 26(1) and 26A(1), as amended)
4. Our role is not to ask whether an organisation could have done things better, or whether we agree or disagree with what it did. Instead, we look at whether there was fault in how it made its decisions. If we decide there was no fault in how it did so, we cannot ask whether it should have made a particular decision or say it should have reached a different outcome.
5. When considering complaints we make findings based on the balance of probabilities. This means that we look at the available relevant evidence and decide what was more likely to have happened.
6. If we are satisfied with an organisation's actions or proposed actions, we can complete our investigation and issue a decision statement. (Local Government Act 1974, section 30(1B) and 34H(i), as amended)

## **How I considered this complaint**

7. I considered documents Mrs X provided. I made enquiries of the Council and considered its response and the supporting documents it provided.

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8. Mrs X and the Council had an opportunity to comment on a draft decision. Any comments were considered before making this final decision.

## **What I found**

### **What happened?**

9. This is a brief chronology of key events. It does not contain everything I reviewed during my investigation.
10. Mrs X was exempt from Council tax as a student. Mrs X stopped being a student and became liable for Council Tax in September 2023.
11. The Council sent Mrs X a Council Tax bill.
12. In October 2023, Mrs X emailed the Council saying she was vulnerable and asked for help.
13. Several months later, in early 2024, the Council took enforcement action for the as yet unpaid Council Tax liability.
14. Mrs X complained to the Council.

### **Analysis**

15. Emails show that after Mrs X first contacted the Council in October 2023, she advised that she was a vulnerable customer and asked the Council how it could help her with her Council Tax situation.
16. The Council responded to her email saying that it had to issue bills about Council Tax, could send letters to a third party if it had permission, and pointed her to its website information about Council Tax Support.
17. When Mrs X received the summons in February 2024, she complained to the court saying her October complaint had not been responded to and she had had no further contact. The court passed her complaint to the Council and it responded to Mrs X.
18. The Council's response in February 2024 was more substantial. It outlined Mrs X's Council Tax history and provided information about accessing bills online, sending correspondence to someone else, provided information about how Mrs X should contact the Council and explained what information had been sent to her.
19. Mrs X's email in October 2023 was not sent as a formal complaint. It was sent to a Council Tax billing email address and did not refer to a complaint. I do not consider that it was fault by the Council to not treat this as a formal complaint through its complaints procedure.
20. However, Mrs X did raise specific concerns about her vulnerability, which were not fully responded to by the Council until after her second email in February 2024.
21. In early March, the Council processed a Council Tax Support application for Mrs X. The summons was withdrawn and Mrs X was awarded full Council Tax Support.
22. If the Council had provided its February response in October, on the balance of probabilities Mrs X would have made her Council Tax Support application then and would not have received the summons. This was fault by the Council. Mrs X suffered avoidable distress.

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## Agreed action

23. To remedy the outstanding injustice caused by the fault I have identified, the Council has agreed to take the following action within 4 weeks of the final decision:
- Apologise to Mrs X for not responding fully to her concerns about her vulnerability. We publish [guidance on remedies](#) which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology I have recommended in my findings.
  - Pay Mrs X £200 in respect of avoidable distress.
24. The Council should provide us with evidence it has complied with the above actions.

## Final decision

25. I have found fault by the Council, which caused injustice to Mrs X. The Council will take action to remedy the injustice. I have completed my investigation.

## Investigator's final decision on behalf of the Ombudsman